

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION**

**DONALD JAMES BROWN,**

**PETITIONER**

**V.**

**NO. 1:06CV107-D-D**

**STATE OF MISSISSIPPI, ET AL.,**

**RESPONDENTS**

**O P I N I O N**

This cause comes before the court on the petition of Donald James Brown for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner states that he was convicted on February 7, 2001, in the Circuit Court of Alcorn County of two counts of telephone harassment. He was sentenced on April 4, 2001, to serve four years in the custody of the Mississippi Department of Corrections. He was discharged from custody on May 13, 2004, when his sentence expired. He is not on parole as a result of this conviction and sentence.

Federal courts have jurisdiction to entertain application for habeas corpus only if a petitioner is "in custody" in violation of laws, treaties, or the Constitution of the United States. 28 U.S.C. §§ 2241(c)(3) and 2254(a). Brown does not meet this requirement, so this petition is not cognizable by this court. Accordingly, this petition must be dismissed.

A final judgment in accordance with this opinion will be entered.

THIS the 1st day of May, 2006.

/s/ Glen H. Davidson  
CHIEF JUDGE